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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,243	07/13/2000	Masashi Yahara	CANO:009	5020

7590 11/16/2005
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EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,243

Applicant(s)

YAHARA, MASASHI

Examiner

Adam M. Queler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment and RCE filed 10/25/2005.
2. Claims 1-30 are pending in the case. Claims 1, 8, and 15 are independent claims.
3. The rejection of claims 8-14 under 35 U.S.C. 101 has been withdrawn in view of Applicant's amendment.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2005 has been entered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The independent claims generally recite, "the identifiers having respective priorities which indicate a processing order in which the files are to be processed, and which are independent of an order of display of the records in the list..." It is unclear from the wording of the claims, what exactly is independent. Given the specification, it appears that the priorities are

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meant to be independent of the display order, and that interpretation will be used for examining purposes only.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings (US005940813A, patented 8/17/1999), and further in view of**

<http://www.comp.nus.edu.sg/~xuedamin/programs/204/doc.txt> (published 7/23/2001)

hereinafter Judge.

Regarding independent claim(s) 1, 8, and 15, Hutchings discloses a list having records of files with priority codes, *which are identifiers with priorities*, indicating a processing order. Hutchings discloses executing processing according to the processing order (col. 9, ll. 10-29). Hutchings does not teach that the list, or queue, is displayed. Judge teaches displaying the contents of a queue ("public void print"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Judge and Hutchings, thereby displaying the list of Hutchings. This would have been desirable for debugging purposes ("public void print"). This combination outputs the queue for debugging purposes, it does not change the contents. Therefore the priorities are independent of the order of display. As Judge teaches displaying the contents of the queue, the combination of Judge and Hutchings would display the contents of Hutchings's queue, which would include the identifiers and the records.

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Regarding dependent claim(s) 2, 9, and 16, Hutchings and Judge teach that display a list is obvious as recite in claim 1 above. As Hutching teaches the items have priorities as disclosed above, inherently, they would be shown when the list was displayed.

Regarding dependent claim(s) 3, 10, and 17, Hutching teaches the files are processed, or integrated in to the system by their priorities (col. 9, ll. 20-22).

Regarding dependent claim(s) 4, 11 and 18, Hutching teaches that the files are copied according the their priorities (col. 9, ll. 20-21).

Regarding dependent claim(s) 5, 12, and 19, Hutching teaches that the files are moved according the their priorities (col. 9, ll. 20-21).

Regarding dependent claim(s) 6,13, and 20, Hutching teaches that the files are sorted according the their priorities (col. 9, ll. 20-21).

Regarding dependent claim(s) 7, 14 and 21, Hutching teaches marks, such as "S" (col. 9, ll. 23-24).

Regarding dependent claim(s) 22-30, Official Notice is taken that all the mediums in the instant claims were well-known in the art, and would have been obvious to one of ordinary skill in the art at the time of the invention to use as storage mediums, because of their wide spread acceptance.

Response to Arguments

9. Applicant's arguments filed 10/25/2005 have been fully considered but they are not persuasive.

Regarding Applicant's regarding claims 1, 8 and 15:

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Applicant alleges the amendments now overcome the art. The Office has addressed the new limitations in the rejections above.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
11/10/2005